UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 92-1534

UNITED STATES OF AMERICA

V.

ARTURO ZULUAGA,
a/k/a "CARLOS ARTURO"
"EDGAR FLORES"

ARTURO ZULUAGA,
APPELLANT

Appeal from the United States District Court
for the Eastern District of Pennsylvania
D.C. Criminal No. 91-00604-01
(Honorable William H. Yoh, Jr.)

Submitted January 8, 1993

Before: HUTCHINSON and SCIRICA, Circuit Judges and STANDISH, District Judge*

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*The Honorable William L. Standish, United States District Judge for the Western District of Pennsylvania, sitting by designation.

JUDGMENT ORDER

After considering the contentions raised by appellant, to wit, that:

1. The court erred in departing upwards from the Sentencing Guideline range, it is

ADJUDGED AND ORDERED that the judgment of the district court be and is hereby AFFIRMED.

BY THE COURT:

Circuit Judge

Attest:

Sally Mrvos, Clerk
JAN 20, 1993

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

CRIMINAL NO. 91-604-01

UNITED STATES OF AMERICA

V.

ARTURO ZULUAGA
(Name of Defendant)

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After
November 1, 1987)

Peter Scuderi, Esquire
Defendant's Attorney

THE DEFENDANT:
pleaded guilty to count(s) 5.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offenses
21:856(a)	Maintaining a place for the purpose of manufacturing cocaine base

Date of Offense Concluded	Count Number
9/13/91	5

The defendant is sentenced as provided in pages 2 through *4* of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Count(s) *1,2,3,4* are dismissed on the motion of the United States.

It is ordered that the defendant shall pay a special assessment of *$50.00* for count(s) *5*, which shall be due *immediately*.

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc.Sec.No.: *Unknown*

Defendant's Date of Birth: *8/21/54*

Defendant's Residence Address:

600 55th Street
West New York, NJ 07047

June 26, 1992
Date of Imposition of Sentence

s/ William H. Yohn
Signature of Judicial Officer

William H. Yohn, Jr., USDJ
Name & Title of Judicial Officer

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of *(48) Forty-Eight months.*

The Court makes the following recommendation to the Bureau of Prisons:

That the defendant be incarcerated in some prison other than the one housing the person who assaulted him.

The defendant is remanded to the custody of the United States marshal.

* * *

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of *(3) three years*.

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant

shall comply with the following additional conditions:

The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not possess a firearm or destructive device.

* * *

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report

Total Offense Level: *14*

Criminal History Category: *I*

Imprisonment Range: *15* to *21* months.